

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

Civil Action No.

JOEL PENTLARGE,

Plaintiff,

vs.

THE TOWN CLERK OF WARE,

Defendant.

04 CV 30188-MAP

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SEP 23 2004

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FILED
CLERK OF COURT
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PLAINTIFF'S MOTION FOR
A PRELIMINARY INJUNCTION OR SUMMARY JUDGMENT

The plaintiff, Joel Pentlarge, moves that the court issue a preliminary injunction and/or summary judgment as follows:

1. The court declare that the plaintiff is eligible to vote under the laws of Massachusetts in all national, state and local elections either in person or by absentee ballot.
2. The court enter a preliminary and permanent injunction enjoining the defendant Town Clerk of the Town of Ware from failing to allow the plaintiff to vote and from failing to provide the plaintiff with an absentee ballot upon request.

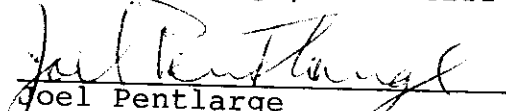
In support of this motion the plaintiff states that there are no material facts in dispute. The plaintiff is entitled to judgment as a matter of law. There is a substantial likelihood that the plaintiff will succeed on the merits. The plaintiff will suffer irreparable harm if he is deprived of his right to vote, particularly in the upcoming presidential election which is scheduled for November 5, 2004.

In further support the plaintiff has filed a verified complaint, a Statement of Undisputed Material Facts and an Affidavit attesting

to those facts and Statement of Elements of Law.

Respectfully submitted,

Joel Pentlarge, Plaintiff


Joel Pentlarge
Mass. Treatment Center
30 Administration Rd.
Bridgewater, MA 02324
Telephone (413) 967-3453

Certificate of Service


I, Joel Pentlarge, state under the pains and penalties of perjury that I have served a copy of the foregoing Motion for a Preliminary Injunction or Summary Judgment together with a copy of the Complaint, the Plaintiff's Statement of Undisputed Material Facts and the Plaintiff's Statement of Legal Elements on:

Nancy Talbot, Town Clerk of the Town of Ware
Town Hall
126 Main St.
Ware, MA 01082

David Wojcik, Town Counsel
Christopher, Hays, Wojcik & Mavricos
370 Main St.
Worcester, MA 01608

by first class mail postage prepaid.

September 22, 2004


Joel Pentlarge